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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 9 of article 1 of the constitution, in relation to authorizing and limiting casino gambling in Sullivan county

1 Section 1. Resolved (if the Senate concur), That section 9 of article
2 1 of the constitution be amended to read as follows:
3 S 9. 1. No law shall be passed abridging the rights of the people
4 peaceably to assemble and to petition the government, or any department
5 thereof; nor shall any divorce be granted otherwise than by due judicial
6 proceedings; except as hereinafter provided, no lottery or the sale of
7 lottery tickets, pool-selling, book-making, or any other kind of gambling,
8 except lotteries operated by the state and the sale of lottery
9 tickets in connection therewith as may be authorized and prescribed by
10 the legislature, the net proceeds of which shall be applied exclusively
11 to or in aid or support of education in this state as the legislature
12 may prescribe, and except pari-mutuel betting on horse races as may be
13 prescribed by the legislature and from which the state shall derive a
14 reasonable revenue for the support of government, AND EXCEPT FOR NO MORE
15 THAN THREE PRIVATELY OWNED CASINOS WHICH MAY BE AUTHORIZED BY THE LEGIS-
16 LATURE FOR OPERATIONS IN SULLIVAN COUNTY, IN A MANNER PRESCRIBED BY THE
17 LEGISLATURE FOR OFFERING AND CONDUCTING GAMING, WHICH MAY INCLUDE GAMES
18 OF CHANCE, SLOT MACHINES AND CARD AND BOARD GAMES COMMONLY AND TRADI-
19 TIONALLY OFFERED AT CASINOS, AND INCLUDING WAGERING ON PROFESSIONAL
20 SPORTS AND PARI-MUTUEL WAGERING ON HORSE RACING, PROVIDED HOWEVER, THAT
21 SUCH AUTHORIZATIONS SHALL BE PRECEDED BY LOCAL APPROVAL, RESULTING FROM
22 PASSAGE OF A SINGLE COUNTY-WIDE REFERENDUM OFFERED PURSUANT TO APPLICA-
23 BLE STATE AND COUNTY LAWS, THE PROCEEDS OF WHICH SHALL BE DISTRIBUTED AT
24 THE DIRECTION OF THE LEGISLATURE WHICH MAY FROM TIME TO TIME REVISE THE
25 DISTRIBUTION FORMULAS, PROVIDED HOWEVER, THAT IN NO EVENT SHALL SHARES

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

1 TO ANY LOCAL GOVERNMENTS BE LESS THAN REASONABLE, AS DETERMINED BY THE
2 LEGISLATURE, TO OFFSET COSTS ATTRIBUTABLE TO THE CONDUCT OF CASINO
3 GAMING, shall hereafter be authorized or allowed within this state; and
4 the legislature shall pass appropriate laws to prevent offenses against
5 any of the provisions of this section.

6 2. Notwithstanding the foregoing provisions of this section, any city,
7 town or village within the state may by an approving vote of the majori-
8 ty of the qualified electors in such municipality voting on a proposi-
9 tion therefor submitted at a general or special election authorize,
10 subject to state legislative supervision and control, the conduct of one
11 or both of the following categories of games of chance commonly known
12 as: (a) bingo or lotto, in which prizes are awarded on the basis of
13 designated numbers or symbols on a card conforming to numbers or symbols
14 selected at random; (b) games in which prizes are awarded on the basis
15 of a winning number or numbers, color or colors, or symbol or symbols
16 determined by chance from among those previously selected or played,
17 whether determined as the result of the spinning of a wheel, a drawing
18 or otherwise by chance. If authorized, such games shall be subject to
19 the following restrictions, among others which may be prescribed by the
20 legislature: (1) only bona fide religious, charitable or non-profit
21 organizations of veterans, volunteer firefighter and similar non-profit
22 organizations shall be permitted to conduct such games; (2) the entire
23 net proceeds of any game shall be exclusively devoted to the lawful
24 purposes of such organizations; (3) no person except a bona fide member
25 of any such organization shall participate in the management or opera-
26 tion of such game; and (4) no person shall receive any remuneration for
27 participating in the management or operation of any such game. THE
28 AMOUNTS TO BE OFFERED AS PRIZES FOR SUCH GAMES SHALL BE SUBJECT TO THE
29 APPROVAL OF THE LEGISLATURE WHICH FROM TIME TO TIME SHALL REVISE PRIZE
30 LEVELS AS IT DETERMINES NECESSARY TO KEEP PRIZE LEVELS COMPETITIVE WITH
31 THOSE OFFERED AT COMPARABLE VENUES. Unless otherwise provided by law, no
32 single prize shall exceed two hundred fifty dollars, nor shall any
33 series of prizes on one occasion aggregate more than one thousand
34 dollars. The legislature shall pass appropriate laws to effectuate the
35 purposes of this subdivision, ensure that such games are rigidly regu-
36 lated to prevent commercialized gambling, prevent participation by crim-
37 inal and other undesirable elements and the diversion of funds from the
38 purposes authorized hereunder and establish a method by which a munici-
39 pality which has authorized such games may rescind or revoke such
40 authorization. Unless permitted by the legislature, no municipality
41 shall have the power to pass local laws or ordinances relating to such
42 games. Nothing in this section shall prevent the legislature from pass-
43 ing laws more restrictive than any of the provisions of this section.

44 S 2. Resolved (if the Senate concur), That the foregoing amendment be
45 referred to the first regular legislative session convening after the
46 next succeeding general election of members of the assembly, and, in
47 conformity with section 1 of article 19 of the constitution, be
48 published for 3 months previous to the time of such election.